

CHAPTER 29
PLACEMENT ISSUES AND RELATIVE SEARCHES

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	PROCEDURE	AUTHORITY
29.01	BEST INTEREST POLICY The policy of the state of Minnesota is to ensure that the child's best interests are met by requiring an individualized determination of the needs of the child and how the selected placement will serve the needs of the child being placed.	<ul style="list-style-type: none"> • Minn. Stat. § 260C.212, subd. 2(a) • Minn. § Stat. 260C.193, subd. 3(a)
29.02	OUT-OF-HOME PLACEMENT PLAN An out-of-home placement plan shall be filed with the court within 30 days after a child is placed by the court or by the voluntary release of the child by the parent. (See Chapter 27 regarding "Case Plans.")	Minn. Stat. § 260C.212, subd. 1(a)
29.03	INTENDED OUTCOMES When the court orders an out-of-home placement for a child, the court shall include in its disposition order the intended outcome of the placement (see Chapter 13 regarding "disposition").	Minn. Stat. § 260C.193, subd. 5
29.04	PLACEMENT PREFERENCES The authorized child-placing agency shall place a child, released by court order or by voluntary release by the parent, in a family foster home selected by considering placement with relatives and important friends in the following order: <ol style="list-style-type: none"> 1. With an individual who is related to the child by blood, marriage, or adoption; or 2. With an individual who is an important friend with whom the child has resided or had significant contact. 	Minn. Stat. § 260C.212, subd. 2(a)
29.05	PLACEMENT FACTORS Among the factors the agency shall consider in determining the placement needs of the child are the following: <ol style="list-style-type: none"> 1. The child's current functioning and behaviors; 2. The medical, educational, and developmental needs of the child; 3. The child's history and past experience; 4. The child's religious and cultural needs; 5. The child's connection with a community, school, and church; 6. The child's interests and talents; 7. The child's relationship to current caretakers, parents, siblings, and relatives; and 8. The reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences. 	Minn. Stat. § 260C.212, subd. 2(b)

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29.06	RACE, COLOR OR NATIONAL ORIGIN Placement of a child cannot be delayed or denied based upon race, color, or national origin of the foster parent or the child.	<ul style="list-style-type: none"> • Minn. Stat. § 260C.212, subd. 2(c) • Minn. Stat. § 260C.193, subd. 3(d)
29.07	PLACEMENT WITH SIBLINGS A. SIBLINGS REQUIRED TO BE PLACED TOGETHER. Whenever possible, siblings ¹ should be placed together at the earliest possible time for foster care or adoption, unless it is determined not to be in the best interests of a sibling or unless it is not possible after appropriate efforts by the agency. The agency must report to the court the efforts made to place the siblings together and why such efforts were not successful. If the court is not satisfied with the agency's effort to place siblings together, the court may order the agency to make further efforts. B. VISITATION PLAN IF SIBLINGS NOT PLACED TOGETHER. If siblings are not placed together, the court shall review the responsible social services agency's plans for visitation among siblings. <i>Comment: Minn. Stat. § 260C.178, subd. 1(g), requires the court to review whether siblings are placed together in foster care at the Emergency Protective Care (EPC) Hearing and at every hearing thereafter until the siblings are together or there is a determination that such placement is not in the best interests of one of the siblings. This requirement must be read together with the requirement of Minn. Stat. § 260C.212, subd. 2(d), which permits the agency to stop attempting to place siblings together when it is not possible after appropriate efforts have been made. Note also that siblings are not required to be placed together when:</i> <ol style="list-style-type: none"> 1. <i>The sibling is placed with a previously noncustodial parent; or</i> 2. <i>The child is in placement due solely to the child's behavior.</i> 	Minn. Stat. § 260C.193, subd. 3(e)
29.08	RELATIVE SEARCH REQUIRED A. SCOPE OF SEARCH. The responsible social services agency must consider placement with a relative without delay after identifying the need for the child's placement. This consideration requires identifying and notifying relatives of	Minn. Stat. § 260C.212, subds. 2 and 5(a)

¹ Sibling means full siblings, half siblings, and step-siblings under Minn. Stat. § 260C.178 (g).

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	<p>29.08 Relative Search – Scope of Search (continued)</p> <p>the child's placement as soon as possible. The search for relatives must be reasonable, comprehensive, and include both maternal and paternal relatives. Relatives should be notified that a decision not to be a placement resource at the beginning of the case may affect the relative being considered for placement of the child with that relative later. The relatives must be notified that they must keep the responsible social services agency informed of their current address in order to receive notice that a permanent placement is being sought for the child. A relative who fails to provide a current address to the responsible social services agency forfeits the right to notice of the possibility of permanent placement.</p> <p>B. TIMING OF RELATIVE SEARCH. The relative search must commence as soon as possible after the child's placement and last up to six (6) months or until a fit and willing relative is identified.</p> <p>C. PARENT'S REFUSAL TO PROVIDE RELATIVE CONTACT INFORMATION. If the child's parent refuses to give the responsible social services agency information sufficient to identify relatives of the child, the agency shall determine whether the parent's refusal is in the child's best interests. If the agency determines that the parent's refusal is not in the child's best interests, the agency shall file a petition under Minn. Stat. § 260C.141 and ask the court to order the parent to provide the necessary contact information.</p> <p>D. PARENT'S PREFERENCE. If the child's parent explicitly requests that a relative or important friend not be considered, the court shall honor that request if it is consistent with the best interests of the child. If the birth parent expresses a preference for placing the child in a foster home of the same or similar religious background to that of the birth parent, the court shall order placement of the child with an individual who meets the birth parent's religious preference.</p> <p><i>Comment: Minn. Stat. § 260C.193, subd. 3(b), requires the court at the time of the Disposition Hearing (see Chapter 13) to review the adequacy of the agency's efforts to identify and place the child with a relative. The best practice is to inquire of the agency about its progress in identifying relatives and</i></p>	<p>Minn. Stat. § 260C.212, subd. 5(a)</p> <p>Minn. Stat. § 260C.212, subd. 5(b)</p> <ul style="list-style-type: none"> • Minn. Stat. § 260C.193, subd. (c) • Minn. Stat. § 260C.212, subd. 5(b)

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	<p>29.08 Relative Search – Scope of Search (continued)</p> <p><i>assessing identified relatives for their ability to care for the child, protect the child, and meet the child's needs commencing with the Emergency Protective Care (EPC) hearing and at every hearing thereafter until a relative is identified and selected for placement, or until the court is satisfied that the agency has made appropriate efforts to identify relatives, but concludes that placement with a relative is not possible, safe for the child, or in the child's best interests. As requested by the parties, the court also should enter findings about the adequacy of the agency's efforts to identify relatives at hearings other than the Disposition Hearing.</i></p>	
29.09	<p>AGENCY DUTY TO IDENTIFY, LOCATE AND, WHERE APPROPRIATE, PROVIDE SERVICES TO BOTH PARENTS</p> <p>A. GENERALLY. When a child is in placement, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.</p> <p>B. NONCUSTODIAL OR NONADJUDICATED PARENT. If a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.</p> <p>C. CHILD NOT PLACED WITH EITHER PARENT. If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care.</p> <p>D. PERMANENT CUSTODY WITH NONCUSTODIAL PARENT. If, after the provision of services following an out-of-home placement plan under this section, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on</p>	<p>Minn. Stat. § 260C.212, subd. 4</p> <p>Minn. Stat. § 260C.212, subd. 4(1)</p> <p>Minn. Stat. § 260C.212, subd. 4(2)</p> <p>Minn. Stat. § 260C.212, subd. 4(3)</p>

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	<p>29.09 Agency Duty to Identify, Locate and, Where Appropriate, Provide Services to Both Parents (continued)</p> <p>behalf of a noncustodial parent to establish legal custody with that parent under Minn. Stat. § 260C.201, subd. 11. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under Minn. Stat. Chapter 257.</p> <p>E. AGENCY RELIEVED OF DUTY TO LOCATE AND OFFER SERVICES TO PARENTS. The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under Minn. Stat. § 260C.141.</p>	Minn. Stat. § 260C.212, subd. 4(4)
29.10	<p>NOTICE TO RELATIVES OF PERMANENT PLACEMENT DETERMINATION HEARING</p> <p>Unless required under the Indian Child Welfare Act or relieved of this duty by the court under Minn. Stat. § 260C.212, subd. 5(c), (see section 29.09) when the agency determines that it is necessary to prepare for the permanent placement determination hearing, or in anticipation of filing a termination of parental rights petition, the agency shall send notice to the relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan. The notice must state that a permanent home is sought for the child and that the individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The notice must state that within thirty (30) days of receipt of the notice an individual receiving the notice must indicate to the agency the individual's interest in providing a permanent home for the child or that the individual may lose the opportunity to be considered for a permanent placement.</p>	Minn. Stat. § 260C.212, subd. 5(d)
29.11	<p>COURT REVIEW OF PLACEMENT</p> <p>The court shall review whether the responsible social services agency made reasonable efforts, or active efforts in the case of an Indian child, to place the child with a relative and shall make findings about those efforts. If the court finds that the agency has not made the required efforts to place the child with a relative, and there is a relative who qualifies to be licensed to</p>	Minn. Stat. § 260C.193, subd (b)

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	<p>29.11 Court Review of Placement (continued)</p> <p>provide family foster care under Minn. Stat. Chapter 245A, the court may order the child placed with the relative consistent with the child's best interests.</p>	
29.12	<p>LIMITATION ON MULTIPLE PLACEMENTS</p> <p>If a child has been placed in a residential facility pursuant to court order under Minn. Stat. § 260C.178 or § 260C.201, the social services agency responsible for the residential placement of the child may not change the child's placement unless the agency specifically documents that the current placement is unsuitable or another placement is in the best interests of the child. This requirement does not apply if the new placement is an adoptive home or other permanent placement.</p>	Minn. Stat. § 260C.212, subd. 3